

REMARKS

Claims 1-18 are currently pending, with Claims 1, 13 and 17 being independent. Claims 13 and 17 have been currently amended to better describe Applicants' invention. Claim 16 has been cancelled without prejudice.

The Applicants' Remarks, set forth below, are preceded by related comments of the Examiner set forth in small indented bold-faced type.

II. Claim Rejections – 35 U.S.C. § 102(e)

3. Claims 13-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Morrison et al (U.S. Patent No. 6,522,772).

4. As per claim 13, Morrison et al teach a method for self-checkout of items that are sold on a restricted basis, the method comprising following scanning of an item by a self-checkout customer, retrieving from a database a record indicating whether the scanned item is a restricted item; when the item is a restricted item, verifying a characteristic of the customer, the verifying comprising: receiving a target data input at a biometric sensor, the target data characterizing a biometric feature of the customer; retrieving from a database a plurality of candidate records, each of the records comprising biometric attribute data associated with a different one of a plurality of customers; comparing the target data to the biometric attribute data in the plurality of records to identify a matching record; when a matching record is identified, based on the matching record, determining whether the item sold on a restricted basis can be sold to the customer (*fig 1, column 2 lines 44-3 line 18, lines 46-60, and the entire disclosure*).

The Examiner's rejection is respectfully traversed. To support a rejection under § 102(e), the cited prior art reference must disclose each element of the rejected claim in the manner recited by the claim. Here, rejection under § 102(e) cannot be supported because Morrison et al. does not teach each element of the invention as recited by amended Claim 13. Applicants submit that independent Claim 13, as amended, is patentably distinct from the cited prior art for at least the following reasons.

The present invention discloses, *inter alia*, the elements of 1) following scanning of an item by a self-checkout customer, retrieving from a database a record indicating whether the scanned item is a restricted item, 2) when the item is a restricted item, verifying a characteristic of the customer, 3) said verifying comprising receiving a target data input at a biometric sensor, 4) the target data characterizing a biometric feature of the customer, 5) retrieving from a database a plurality of candidate records, each of said records comprising biometric attribute data associated with a different one of a plurality of customers, 6) comparing the target data to the biometric attribute data in the plurality of records to identify a matching record, 7) when a matching record is identified, based on the matched record, determining whether said item sold on a restricted basis can be sold to the customer, in response to the signal indicating a need for supervisory assistance, initiating an exception process whereby input is received from a store attendant to cause a new database record to be generated, said new database record enabling automated age verification of said customer during subsequent purchase transactions.

Morrison et al., as understood by Applicants, does not teach or suggest each element of a method for self-checkout of items sold on a restricted basis as recited in Claim 13, further comprising, *inter alia*, in response to the signal indicating a need for supervisory assistance, initiating an exception process whereby input is received from a store attendant to cause a new database record to be generated, said new database record enabling automated age verification of said customer during subsequent purchase transactions. Accordingly, Applicants submit that amended Claim 13 is patentable over Morrison et al.

8. As per claim 17, Morrison et al teach a method of processing input at a supervisory terminal in a self-checkout system using a handheld supervisory device,

the method comprising: at a self-checkout station, generating a supervisory request signal indicating that input of customer biometric data is required to further the processing of a self-checkout transaction by a customer, transmitting the supervisory request signal to a handheld supervisory device, the handheld device comprising a biometric sensor; and at the handheld supervisory device, receiving the supervisory request signal, presenting a prompt alerting a user of the handheld device that input of customer biometric data is necessary; receiving customer biometric data at the biometric sensor; and transmitting the biometric data to the self-checkout station (*fig 1, column 2 lines 44-3line 18, lines 46-60, and the entire disclosure*).

The Examiner's rejection is respectfully traversed. To support a rejection under § 102(e), the cited prior art reference must disclose each element of the rejected claim in the manner recited by the claim. Here, rejection under § 102(e) cannot be supported because Morrison et al. does not teach the elements of the invention as recited by the Claim 17, as amended. For example, Applicants submit that the cited paragraphs of Morrison et al. do not disclose, at least, the element of transmitting biometric data from a handheld supervisory device to a self-checkout station as recited by amended Claim 17. Accordingly, amended Claim 17 is believed to be patentable over Morrison et al.

II. Claim Rejections – 35 U.S.C. § 103

11. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison et al. (U.S. Patent No. 6,522,772) in view of Lapsley et al (U.S. PG Pub No. 2002/0019811).

12. As per claim 1, Morrison et al teach a self-checkout system comprising: a self-checkout station configured for customer-operated self-checkout of items of purchase; and a controller operatively coupled to the mobile terminal and to the self-checkout station, the controller being configured to send data over a wireless network to the mobile terminal instructing the mobile terminal to initiate a biometric data capture operation, the biometric data capture operation being related to a self-checkout transaction (*fig 1, column 2 lines 44-3line 18, 8 lines 46-60, and the entire disclosure*). Morrison et al fail to teach a mobile data terminal comprising a wireless network interface and a biometric data sensor. However, Lapsley et al teach a mobile data terminal comprising a wireless network interface and a biometric data sensor (*see paragraph 0040, 0041*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Morrison et al to include Lapsley et al's mobile data terminal comprising a wireless network interface and a biometric data sensor because this would have enhance the flexibility of the system by allowing customer to purchase any item without the help of any cashier.

Applicants respectfully traverse these rejections. In order for the Examiner to establish a case of obviousness, he must (a) demonstrate that the prior art references describe or suggest all of the claimed limitations of the present invention, and (b) show a motivation to modify or combine the references. The Examiner has done neither.

Applicants invention discloses, *inter alia*, a self-checkout system comprising: a self-checkout station configured for customer-operated self-checkout of items for purchase; a mobile data terminal comprising a wireless network interface and a biometric data sensor; and a controller operatively coupled to the mobile terminal and to the self-checkout station, said controller being configured to send data over a wireless network to the mobile terminal instructing the mobile terminal to initiate a biometric data capture operation, said biometric data capture operation being related to a self-checkout transaction. Applicants also submit that the present invention achieves more efficient methods for supervising transactions at self-checkout terminals. In particular, Applicants' present invention, for example, ensures that all stations are used in the most efficient level by using, for example, mobile terminals.

Morrison et al. does not teach or suggest a plurality of stations as described, for example, by Applicants' invention. Additionally, Morrison et al. does not teach or suggest, a method for self-checkout of items that are sold on a restricted basis, further comprising, for example, in response to the signal indicating a need for supervisory assistance, initiating an exception process whereby input is received from a store attendant to cause a new database record to be generated, said new database record enabling automated age verification of said customer during subsequent purchase transactions.

Moreover, the Examiner admits that Morrison et al. "fails to teach a mobile data terminal comprising a wireless network interface and a biometric data sensor" but cites Lapsley et al. allegedly to teach a mobile data terminal comprising a wireless network interface and a biometric

data sensor. However, Lapsley et al. merely discloses a direct transaction by authorization of an electronic transaction between a consumer and a merchant using biometric samples and a communication link to complete a financial transaction for the merchant or to provide information to the merchant about the consumer to complete the financial transaction (see paragraph 0033). Lapsley et al. does not disclose a point of sale terminal. Lapsley et al. does not teach, alone or in combination with Morrison et al., for example, a controller operatively coupled to the mobile terminal and to the self-checkout station, said controller being configured to send data over a wireless network to the mobile terminal instructing the mobile terminal to initiate a biometric data capture operation, said biometric data capture operation being related to a self-checkout transaction. Further, Lapsley et al., alone or in combination with Morrison et al., does not teach or suggest using the mobile data terminal to supervise the transactions occurring at a self-checkout station. Accordingly, the Examiner has not shown that the cited references teach combining the elements of Morrison et al. and Lapsley et al. to effect the invention claimed in the present application

A review of the other art of record has failed to reveal anything that, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as applied against the independent claims herein. Therefore, those claims are respectfully submitted to be patentable over the art of record. It is respectfully requested that the Examiner withdraw the claim rejections and allow the claims.

The other rejected claims in this application depend from one or another of amended independent Claims 13 and 17, discussed above and, therefore, are submitted to be patentable for at least the

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same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

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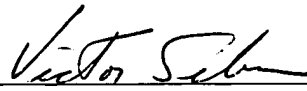
Conclusion

Claims 1-18 are now pending. Accordingly, it is respectfully submitted that all pending claims are in condition for allowance. Applicants respectfully request that all pending claims be allowed.

Please apply any credits or excess charges to our deposit account number 50-0521.

Respectfully submitted,

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Victor Siber
Reg. No. 25149
(212) 878-8429

MAILING ADDRESS

Customer No. 27383
Clifford Chance US LLP
31 West 52nd Street,
New York, NY 10019-6131